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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,685	03/18/2004	Takashi TAKENAGA	040127	2684
23850	7590	09/11/2006		
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006				
			EXAMINER BROADHEAD, BRIAN J	
			ART UNIT 3661	PAPER NUMBER

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/708,685	<b>Applicant(s)</b> TAKENAGA ET AL.	
	<b>Examiner</b> Brian J. Broadhead	<b>Art Unit</b> 3661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,5,7,14,16,20,23,25,27,29,33 and 37 is/are allowed.
- 6) ☒ Claim(s) 2,3,8,9,15,17,21,22,24,26,28,30-32,34-36 and 38-40 is/are rejected.
- 7) ☒ Claim(s) 4,6,10-13,18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                        |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7-30-04,3-19-04</u> . | 6) <input type="checkbox"/> Other: _____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 32, 36, and 40 are objected to because of the following informalities: The claims all start with the heading that the computing section “delivers” the map data, but later in the claim the computing section “acquires” the display data. This appears to be a contradiction. It is very possible that the display data is acquired and then delivered by the computing section, but this should be made clearer. Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the nodes as described in paragraph 84 of the specification. There are several nodes and links mention in paragraph 84 that don't correspond to any labels in figure 7. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement

sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 31, 35, and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 31 recites the limitation "the acquired display data" in line 16. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 35 recites the limitation "the acquired display data" in line 17. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 39 recites the limitation "the acquired display data" in line 18. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 2, 3, 8, 9, 21, 22, 30, 32, 34, 36, 38, and 40 are rejected under 35

U.S.C. 102(b) as being anticipated by Ando et al., 6230098.

10. As per claims 2, 8, 30, 32, 34, 36, 38, and 40, Ando et al. disclose a map information processing device for delivering a map information over a network, wherein the map information has: a display data including an element data for an element constituting a map of a predetermined area; a matching data corresponding to the display data, including a plurality of point information that have coordinates information and unique point information and represent predetermined points, and a segment information that has a unique segment information and connects a pair of point information, the matching data representing a road by the point information and the segment information in figures 2 and 6, and on lines 40-52, on column 5; and a display version information associated with the display data on revision status of the display data on lines 25-32, on column 11; the map information processing device (50) comprising a storage (54) for storing the map information; a version information recognizer for reading and recognizing the display version information stored in the storage(52) and lines 25-32, on column 11; and a delivery section for delivering the display data corresponding to the recognized display version information as an update-display data when it is determined that the display version information recognized by the version information recognizer is different from the display version information recognized previously on lines 19-32, on column 11; a map information acquiring

section for reading the display data corresponding to the recognized display version information as an update-display data from the storage over the network when it is determined that the display version information recognized by the version information recognizer is different from the display version information recognized previously on lines 19-32, on column 11.

11. As per claim 3, Ando et al. disclose wherein the storage stores a matching version information associated with the matching data on revision status of the matching data, wherein the version information recognizer reads and recognizes the matching version information stored in the storage, and wherein the delivery section delivers the matching data corresponding to the recognized matching version information from the storage when it is determined that the matching version information recognized by the version recognizer is different from the matching version information recognized previously on lines 19-32, on column 11. Ando discloses that each type of map data has its own version and based on this version information the updates are carried out.

12. As per claim 21, Ando et al. disclose the limitations above; and a terminal unit (10) being connected to the map information processing device over the network in a manner capable of acquiring the map information on lines 19-32, on column 11.

13. As per claim 22, Ando et al. disclose the limitations a set forth above; the terminal unit including a terminal storage (22) storing the acquired map information; and wherein, in the map information processing device, the version information recognizer recognizes a display version information of the map information stored in the storage of the terminal unit, the delivery section delivers the display data corresponding to the

display version information stored in the storage to the terminal unit when the recognized display version information is different from the recognized display version information read from the storage on lines 19-32, on column 11.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 8, 9, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al., 6230098, in view of Ninagawa, 6075467.

16. Ando et al. disclose the limitations as set forth above; and acquiring an update when the electric power is supplied is inherent. These devices won't work without electricity and wouldn't be able to communicate. Ando et al. does not disclose the version information recognizer (part of the map information processing device) is located across the network from the server unit. Ninagawa teaches the version information recognizer (part of the map information processing device) is located across the network from the server unit on lines 46, on column 10, through line 24, on column 11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Ninagawa in the invention of Ando et al. because it would provide the ability for the user to manually chooses whether or not to update the map data as disclosed by Ninagawa.

17. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al., 6230098, in view of Ikeuchi et al., 2002/0082773.

18. Ando et al. disclose the limitations as set forth above. Ando et al. do not disclose wherein the update-display data has data structure in which an element data corresponding to a newly added area in a revision or an element data corresponding to a newly deleting area is displayed in a form different from a display form of an element data corresponding to an area in the previous display data. Ikeuchi et al. teach wherein the update-display data has data structure in which an element data corresponding to a newly added area in a revision or an element data corresponding to a newly deleting area is displayed in a form different from a display form of an element data corresponding to an area in the previous display data in paragraphs 56 and 57. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the emphasis of Ikeuchi et al. in the invention of Ando et al. because such modification would allow the user to properly make decisions based on the map information by recognizing the modifications as stated in paragraph 142 of Ikeuchi et al.

19. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al., 6230098, in view of Ninagawa, 6075467, as applied to claim 24 above, in further view of Gorai et al., EP 110228.

20. Ando et al. and Ninagawa disclose the limitations as set forth above. Ando et al. also disclose a current position acquiring section (14); and a destination information acquiring section (16) and lines 57-60, on column 4. They do not disclose wherein the server unit including a travel route search for a travel route using the map in- section for



searching formation based on a current position information on a current position and a destination information on a destination, and acquiring data when the travel route search section searched for the travel route. Gorai et al. teach wherein the server unit including a travel route search for a travel route using the map in- section for searching formation based on a current position information on a current position and a destination information on a destination in paragraphs 67-69, and 145, and acquiring data when the travel route search section searched for the travel route in paragraphs 158-165. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Gorai et al. in the invention of Ando et al. and Ninagawa because such modification would allow traffic conditions to be taken into account as disclosed in paragraph 69 of Gorai et al. and to allow route guidance with the latest road data stored in the center device even when the data isn't in the navigation apparatus as discloses by paragraph 142 of Gorai et al.

21. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al., 6230098, in view of Ninagawa, 6075467, as applied to claim 8 above, in further view of Ikeuchi et al., 2002/0082773.

22. Ando et al. and Ninagawa disclose the limitations as set forth above. They do not disclose wherein the update-display data has data structure in which an element data corresponding to a newly added area in a revision or an element data corresponding to a newly deleting area is displayed in a form different from a display form of an element data corresponding to an area in the previous display data. Ikeuchi et al. teach wherein the update-display data has data structure in which an element data

corresponding to a newly added area in a revision or an element data corresponding to a newly deleting area is displayed in a form different from a display form of an element data corresponding to an area in the previous display data in paragraphs 56 and 57. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the emphasis of Ikeuchi et al. in the invention of Ando et al. and Ninagawa because such modification would allow the user to properly make decisions based on the map information by recognizing the modifications as stated in paragraph 142 of Ikeuchi et al.

***Allowable Subject Matter***

23. Claims 1, 5, 14, 7, 16, 20, 23, 25, 27, 27, 33, and 37 are allowed.

24. Claims 4, 6, 10-13, 18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

25. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose delivering a signal that there is no corresponding matching data to update display data when delivering map information; the version information recognizer reads and recognizes the matching version information after the delivery section delivers the display data; the storage stores a revision data information on a scheduled revision date of the matching data, and wherein the delivery section sends the revisions date information when delivering the display data; comparing the display version information of the display data with the

matching version information of the matching data to determine whether the version information are identical.

### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
27. Nomura, 2006/0173614, discloses navigation method, processing method for navigation system, map data management device, map data management program, and computer program.
28. Hayama et al., 6970786, disclose method for transmitting map data and map display apparatus and system.
29. Mikuriya et al., 2004/0085227, disclose data architecture or map data, data architecture of update instruction data, map information processing apparatus, and map information providing apparatus.
30. Ikeuchi et al., 6643584, disclose map information processing apparatus and map information transmission center.
31. Nimura, 2003/0220735, discloses navigation system.
32. Pechatnikov et al., 2004/0027258, disclose template-based map distribution system.
33. Hirano et al., 6879909, disclose map display control apparatus, map information update apparatus, map information update system, and control method thereof.
34. Gieseke et al., 6960997, disclose method for transmitting location related data between a main station and a mobile terminal, mobile terminal and main station.

35. Stankoulev et al., 7043357, disclose extensible navigation systems.
36. Umezu et al., 2002/0165663, disclose on-board navigation terminal and navigation controller.
37. Kato, 6453233, disclose method of making update information of map data and differential data of map data updating system.
38. Hirano, 6246958, disclose apparatus and method for processing information and apparatus and method for displaying image.
39. Hirano et al., 2004/0015325, disclose map display control apparatus, map information update apparatus, map information update system, and control methods thereof.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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FIG. 12

